

SEP 30 2004

Atty Docket No. 20695C-002200US

PTO FAX NO.: 703-872-9306

ATTENTION: Examiner Stacy Brown Chen

Group Art Unit 1645

**OFFICIAL COMMUNICATION
FOR THE PERSONAL ATTENTION OF
EXAMINER Stacy Brown Chen**

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the following documents in re Application of KISTNER, Otfried, et al, Application No. 10/006,671, filed December 10, 2001 for ENVELOPED VIRUS VACCINE AND METHOD FOR PRODUCTION are being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Documents Attached

1. Written Statement of the Substance of the Interview Under 37 CFR 1.133(b)

Number of pages being transmitted, including this page: 3

Dated: September 30, 2004


Stephanie J. Whitehurst

**PLEASE CONFIRM RECEIPT OF THIS PAPER BY
RETURN FACSIMILE AT (415) 576-0300**

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, CA 94111-3834
Telephone: 415-576-0200
Fax: 415-576-0300

40122083 v1

RECEIVED
CENTRAL FAX CENTER

SEP 30 2004

I hereby certify that this correspondence is being facsimile transmitted to
the United States Patent and Trademark Office at: 703-872-9306

PATENT
Attorney Docket No.: 20695C-002200US
Client Ref. No.: VAC-262.00 US

On September 30, 2004

TOWNSEND and TOWNSEND and CREW LLP

By: Stephanie L. Whitthurst

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

KISTNER, et al.

Application No.: 10/006,671

Filed: December 10, 2001

For: ENVELOPED VIRUS VACCINE
AND METHOD FOR PRODUCTION

Customer No.: 20350

Confirmation No. 2215

Examiner: Stacy Brown Chen

Technology Center/Art Unit: 1645

**WRITTEN STATEMENT OF THE
SUBSTANCE OF THE INTERVIEW
UNDER 37 C.F.R. §1.133(b)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed September 2, 2004, please enter the
following remarks:

The remarks begin on page 2 of this paper.

Appl. No. 10/006,671
Statement dated September 30, 2004
Reply to Office Action of September 2, 2004

PATENT

REMARKS

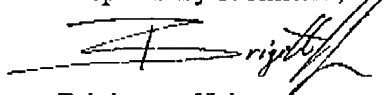
The Applicants gratefully acknowledge the telephonic interview which the Examiner granted on September 1, 2004.

During the interview the Applicants' representatives briefly discussed Dubensky *et al.* (USPN 5,789,245) and further the option of removing the language "about" from claims 1, 8, and 17 when referring to the filter size range. The Examiner required clarification with respect to the Applicants' response filed on December 4, 2003, wherein it was indicated that a pre-filter could be 0.6 microns. It was clarified that the pre-filtering step does *not* refer to the second filtering step having a pore size of between 0.1 and 0.5 μm . The Examiner indicated that the amendment removing the language "about" when referring to the filter size range would not be rejected as new matter. The Examiner further indicated that she would consider further the limitation size range with respect to Dubensky's disclosure of a second filter of 0.65 microns.

CONCLUSION

If the Examiner believes an additional telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



Brigitte A. Hajos
Reg. No. 50,971

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 415-576-0200
Fax: 415-576-0300

60320827 v1